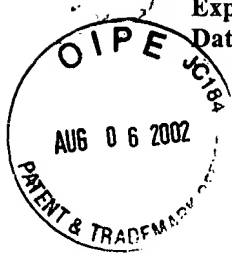


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Express Mailing Label No. E 139499995 US
Date of Deposit: August 6, 2002

Attorney Docket No: 15966-703 (CURA-203)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: Padigaru *et al.*

AUG 14 2002

SERIAL NUMBER: 09/800,321

EXAMINER: Yu, Misook

FILING DATE: March 5, 2001

ART UNIT: 1642

TECH CENTER 1600/2900

FOR: NOVEL PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Commissioner for Patents
Washington, D.C. 20231


TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

- ☒ Response to Restriction Requirement (2 pgs.);
- ☒ Preliminary Amendment (5 pgs.);
- ☒ Petition for Extension of Time (1 pg., in duplicate);
- ☒ Check #13588 in the amount of \$200.00; and
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at 617-542-6000, Boston, Massachusetts. No additional fees are believed to be due, however, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 15966-703. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,


Ivor R. Elrifi, Reg. No. 39,529
MINTZ LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel.: (617) 542 6000
Fax: (617) 542-2241

Reg. No.
45,899

Date: August 6, 2002



30623

PATENT TRADEMARK OFFICE

Express Mailing Label No. EV 139499995 US
Date of Deposit: August 6, 2002

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed May 6, 2002, Applicants elect the invention of Group 2, claims 1-4, 36, and 39 drawn to protein and pharmaceutical composition of SEQ ID NO: 4. Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

Applicants file a Preliminary Amendment herewith adding claims 51-55 that are also within the elected group and link the invention of Group 2 to the invention of the new claims. In light of *In Re Ochiai* and *In Re Brouwer* (Official Gazette, March 26, 1996; establishing guidelines for the treatment of product and process claims) such a linking claim permits the joinder of claims relating to the making of a novel product or the use of a novel composition with the method of making the product or using the composition. In the present case, the linking claims use the novel nucleic acids of the invention in a method of making the novel polypeptides of Group 2.

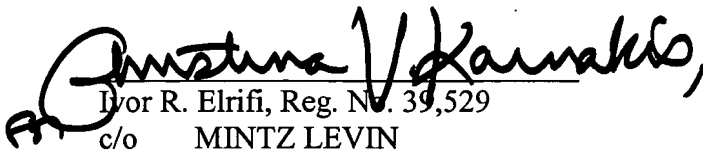
The response is due on or before August 6, 2002, with a two month extension of time. A petition for a two month extension of time and the appropriate fee are being filed along with this Response.

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KD
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APPLICANTS: Padigaru *et al.*
SERIAL NUMBER: 09/800,321

The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 15966-703).

Respectfully submitted,

 *Christina V. Karmakis*, Reg. No. 45,899
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Date: August 6, 2002